

Message

From: Frye, Tony (Robert) [frye.robert@epa.gov]
Sent: 1/23/2019 9:32:27 PM
To: Baptist, Erik [Baptist.Erik@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]
CC: Beck, Nancy [Beck.Nancy@epa.gov]; Palich, Christian [palich.christian@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Kaiser, Sven-Erik [Kaiser.Sven-Erik@epa.gov]
Subject: RE: 152

Thanks

Tony Frye
Special Advisor
Office of Congressional Affairs
Environmental Protection Agency
Cell: 202.603.3225

From: Baptist, Erik
Sent: Wednesday, January 23, 2019 4:28 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Beck, Nancy <Beck.Nancy@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: RE: 152

One edit:

The preemption provisions of the Lautenberg Amendments to TSCA contain important directions that address when state actions will be preempted or not. EPA will follow all requirements of the statute with regard to preemption.

Erik Baptist
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
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1201 Constitution Ave., NW
Washington, DC 20460
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baptist.erik@epa.gov

From: Dunn, Alexandra
Sent: Wednesday, January 23, 2019 4:27 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Beck, Nancy <Beck.Nancy@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: Re: 152

All good. Sorry we missed it. Was assigned to OW but clearly ours.

Sent from my iPhone

Alexandra Dapolito Dunn, JD
US EPA
(857) 291-4405 mobile

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On Jan 23, 2019, at 4:22 PM, Frye, Tony (Robert) <frye.robert@epa.gov> wrote:

Cleaned up a bit:

The preemption provisions of the Lautenberg Amendments to TSCA contain important direction that address when state actions will be preempted or not. EPA will follow all requirements of the statute with regard to preemption.

Let me know if you have concerns

Tony Frye
Special Advisor
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Cell: 202.603.3225

From: Beck, Nancy
Sent: Wednesday, January 23, 2019 4:21 PM
To: Palich, Christian <palich.christian@epa.gov>
Cc: Dunn, Alexandra <dunn.alexandra@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: Re: 152

Agreed.

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator
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beck.nancy@epa.gov

On Jan 23, 2019, at 4:16 PM, Palich, Christian <palich.christian@epa.gov> wrote:

That one sounds good to me.

Christian R. Palich
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E: Palich.Christian@epa.gov

From: Dunn, Alexandra
Sent: Wednesday, January 23, 2019 4:16 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Frye, Tony (Robert) <frye.robert@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: Re: 152

How about:

The preemption provisions of the Lautenberg Amendments to TSCA contain important provisions that address when state actions Will be preempted or not. EPA will follow all provisions of the statute with regard to preemption.

Sent from my iPhone

Alexandra Dapolito Dunn, JD
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On Jan 23, 2019, at 4:07 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

I think the approach in the management plan is a bit too different and doesn't get into who has what authority. It would be a big change to add this issue to it. May never get past OMB. However others may be thinking of this differently.

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator
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beck.nancy@epa.gov

On Jan 23, 2019, at 4:05 PM, Frye, Tony (Robert) <frye.robert@epa.gov> wrote:

Is there a way to address it through the management plan and the need to work with states to accurately articulate risk?

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From: Beck, Nancy
Sent: Wednesday, January 23, 2019 3:54 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>
Cc: Frye, Tony (Robert) <frye.robert@epa.gov>;
Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>;
Baptist, Erik <baptist.erik@epa.gov>; Kaiser, Sven-Erik
<Kaiser.Sven-Erik@epa.gov>; Palich, Christian
<palich.christian@epa.gov>
Subject: Re: 152

Wow. Quite the question. Not sure how we missed this.
Unless AAW is an expert in the TSCA preemption
provisions, would a response along the lines of “ if
confirmed I promise to look into this” work??

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On Jan 23, 2019, at 3:49 PM, Dunn, Alexandra
<dunn.alexandra@epa.gov> wrote:

Several states, including my home state
of Vermont, have set health advisories
for drinking water containing PFAS
chemicals that are significantly more
stringent than the EPA’s lifetime health
advisory level. The most recent update
to the Toxic Substances Control Act
(TSCA) contained a provision that
protects states that had more stringent
standards on the books before April 22,
2016 (Sec. 13 State-Federal
Relationship, 15 USC § 2617(e)(1)(A)). If
confirmed, will you commit to avoiding
any actions that would preempt states’
ability to enforce health advisory levels
for PFAS enacted before April 22, 2016
that are more stringent than the EPA’s
standards? If you will not make this
commitment, please explain why you
believe that TSCA prevents states from
enforcing more stringent requirements
the state had established before April
22, 2016.

Sent from my iPhone

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On Jan 23, 2019, at 3:37 PM, Frye, Tony
(Robert) <frye.robert@epa.gov> wrote:

Hey Team — do you all
have a response for q
152?

Thanks

Tony